



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@judicialbranch.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

August 26, 2016

Summary of Cases Accepted and Related Actions During Week of August 22, 2016

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#16-295 *Jackson v. Superior Court*, S235549. (E064010; 247 Cal.App.4th 767; Riverside County Superior Court; INF1500950.) Petition for review after the Court of Appeal denied a petition for writ of peremptory mandate or prohibition. This case presents the following issue: After an incompetent defendant has reached the maximum three-year commitment provided for by law, can the prosecution initiate a new competency proceeding by obtaining dismissal of the original complaint and proceeding on a new charging document?

#16-296 *Lopez v. Sony Electronics, Inc.*, S235357. (B256792; 247 Cal.App.4th 444; Los Angeles County Superior Court; BC476544.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the six-year limitations period in Code of Civil Procedure section 340.4, which governs actions based on birth and pre-birth injuries and is not subject to tolling for minority, or the two-year limitations period in Code of Civil Procedure section 340.8, which applies to actions for injury based upon exposure to a toxic substance and is subject to tolling for minority, govern an action alleging pre-birth injuries due to exposure to a toxic substance?

#16-297 *People v. Dodson*, S235651. (D068318; nonpublished opinion; San Diego County Superior Court; SCD249336.) Petition for review after the Court of Appeal affirmed an order denying a postjudgment motion.

#16-298 *People v. Juergens*, S235611. (C079264; nonpublished opinion; Shasta County Superior Court; 12F8520, 13F189.) Petition for review after the Court of Appeal affirmed an order granting in part and denied in part a petition to recall sentence.

The court ordered briefing in *Dodson* and Juergens deferred pending decision in *People v. Buycks*, S231765 (#16-19), which presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

#16-299 *People v. Espino*, S235540. (H040942; 247 Cal.App.4th 746; Santa Clara County Superior Court; F1241967.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Macabeo*, S221852 (#14-135), which presents the following issues: (1) May law enforcement officers conduct a search incident to the authority to arrest for a minor traffic offense, so long as a custodial arrest (even for an unrelated crime) follows? (2) Did *Riley v. California* (2014) __ U.S. __ [134 S.Ct. 2473, 189 L.Ed.2d 430] require the exclusion of evidence obtained during the warrantless search of the suspect's cell phone incident to arrest, or did the search fall within the good faith exception to the exclusionary rule (see *Davis v. United States* (2011) 564 U.S. __ [131 S.Ct. 2419, 180 L.Ed.2d 285]) in light of *People v. Diaz* (2011) 51 Cal.4th 84?

#16-300 *People v. Garrett*, S236012. (H041927; 248 Cal.App.4th 82; Santa Cruz County Superior Court; F26308.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Gonzales*, S231171 (#16-39), which presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

#16-301 *People v. Holder*, S235846. (F070846; nonpublished opinion; Stanislaus County Superior Court; 1464082, 1473929.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#16-302 *People v. Nice*, S235635. (H041847; 247 Cal.App.4th 928; Santa Clara County Superior Court; C1233969.) Review on the court's own motion after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Hall*, S227193 (#15-157), which presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) "owning, possessing or having in his custody or control any handgun, rifle, shotgun or

any firearm whatsoever or any weapon that can be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

SEPARATE STATEMENTS ON DENIAL OF REVIEW

Vergara v. State of California, S234741. (B258589; 246 Cal.App.4th 619, mod. 246 Cal.App.4th 1357a; Los Angeles County Superior Court; BC484642.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

Campaign for Quality Education v. State of California, S234901. (A134423, A134424; 246 Cal.App.4th 896; Alameda County Superior Court; RG10515768.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

DISPOSITIONS

Review in the following cases, which were granted and held for *John v. Superior Court* (2016) 63 Cal.4th 91, was dismissed:

#15-28 *Yoonessi v. Toyota Motor Sales, U.S.A., Inc.*, S223679.

#15-82 *Hsu v. California Dept. of Toxic Substances Control*, S225332.

#15-83 *Hsu v. California Dept. of Toxic Substances Control*, S226143.

#16-17 *Persolve v. Szanto*, S231036.

The following case was transferred for reconsideration in light of *John v. Superior Court* (2016) 63 Cal.4th 91:

#15-118 *Szanto v. Szanto*, S226726.

The following case was transferred for reconsideration in light of *People v. Castellolopez* (2016) 63 Cal.4th 322:

#16-125 *People v. Pineda*, S232617.

#

The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.